IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20641 OF 2005

Date: 03.10.2005

BETWEEN:

Netavath Vasram

.... PETITIONER

And

1. The Government of Andhra Pradesh, rep. by its Principal Secretary Irrigation (C.A.D) Department, Secretariat Building, Hyderabad, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20641 OF 2005

ORDER:

The petitioner is a resident of Parkal Jal Thanda, Hamlet of Neelikurthi Mandal, Warangal District. In this writ petition he seeks Writ of Mandamus directing the respondents, namely, the Government of Andhra Pradesh, the District Collector, Warangal and the Land Acquisition Officer, S.R.S.P. Unit-II, Warangal to make full payment according to prevailing market value at the rate of Rs.8,00,000/- per acre, for the land admeasuring an extent of Acs.3.10 in S.Nos. 393/D, 377/A and 393/C situated at Peddangaram village, duly following the procedure under the Land Acquisition Act, 1894 (for short 'the Act').

In the affidavit accompanying the writ petition, the petitioner alleged that he owns land admeasuring Acs.7.27 in various survey numbers of Pedda Nagaram village, and that at present due to growing urbanization the cost of land is about Rs.20,000/- per gunta. However, the respondents, without following the procedure contemplated under the Act and

without conducting any enquiry under Section 5-A of the Act, and without issuing any notice under Section 9 of the Act, gave a cheque for Acs.2.00 of land at the rate of Rs.60,000/- (Rupees sixty thousand only) per acre. It is alleged that the petitioner being an illiterate person does not even know as to why he is paid the amount.

At the stage of admission itself, the learned Government Pleader was directed to produce record, as the petitioner made serious allegations on the respondents that he is deprived of the property by a procedure, which is not in accordance with law. The learned Assistant Government Pleader for Revenue (Land Acquisition) has produced the record, which reveals the following. The Government issued a notification proposing to acquire total extent of Acs.14.14 in S.Nos.377, 378, 379, 352, 289 and 390 of Peddanagaram village, Narsimhlapet Mandal of Warangal District for the purpose of main canal of Sreeram Sagar Project at K.Ms.33.000 to 34.000. The enquiry under Section 5-A of the Act was dispensed with and the declaration under Section 6(1) of the Act was published on 5.2.2005. The matter was referred to the Negotiation Committee under the Chairmanship of District Collector, who issued notices to the owners, and after negotiations determined the “consent rate” of Rs.60,000/- (Rupees sixty thousand only) per acre for dry lands, and Rs.65,000/- (Rupees sixty five thousand only) per acre for dry/wet lands for the entire land admeasuring Acs.14.14. Accordingly, cheques were prepared, and issued. The petitioner’s name is found at Sl.No.12 in the statement, i.e., schedule of the land annexed to the agreement between the land acquiring authority and the owner as per the Negotiations Rules. The file further reveals that on 23.8.2005 the petitioner and ten others gave a representation to Special Deputy Collector, S.R.S.P. Phase-II, Hanmakonda informing that they received amounts only for part of the land and they did not receive compensation for the entire land acquired. In this the petitioners name is found at Sl.No.5. According to him, though the land comprised in S.No.377 is Acs.3.10, he was paid compensation only for Acs.2.01. In the representation, the petitioner and others prayed the Special Deputy Collector to arrange for the balance of amount.

The file produced before this Court would reveal that the Writ Petition is filed without regard to the truth and without any factual foundation. The Writ Petition is misconceived and is accordingly dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

3rd October, 2005

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